

STATE OF CALIFORNIA
DEPARTMENT OF PESTICIDE REGULATION
PESTICIDE EPISODE CLOSING REPORT
DPR-ENF-055 (REV. 03/14)
PAGE 1 OF 2

AMENDED? ☐ YES ☒ NO

PAGE 1 OF 2

DPR ENFORCEMENT BRANCH
1001 I STREET, P.O. BOX 4015
SACRAMENTO, CALIFORNIA 95812-4015
www.cdpr.ca.gov

PRIORITY EPISODE NUMBER 39-SB-17	NOTIFICATION DATE 6/2/2017	DATE OF OCCURRENCE 5/22/2017
BRAND NAME OF PESTICIDE/ACTIVE INGREDIENT	REGISTRATION NUMBER FROM LABEL	RESTRICTED USE?
Alligare SFM 75, Sulfometuron methyl	81927-26	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
Alligare Glyphosate 4	81927-34	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
Alligare Tebuthiuron 80 WG, tebuthiuron	81927-37	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
Kerb SC, pronamide	62719-578	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

SUMMARY OF FINDINGS (Continue on page 2, if necessary):

On May 30, 2017, The Santa Barbara County Agricultural Commissioner's Office (SB CAC) received a "Report of Loss, Nonperformance or Damage" for 43 acres of romaine lettuce, from [REDACTED] and the initial estimated damage was \$250,000. The most heavily damaged lettuce was in an area surrounding an adjacent oil field, Phillips-66 Pipeline Station. On May 16, the complainant, property operator of [REDACTED] had noticed a white dust covering young romaine plants on a large portion of [REDACTED]. The complainant decided to irrigate the lettuce to dust off the romaine heart plants, the sprinkler irrigation was completed on May 19. On May 22, he realized that the cores of the lettuce crop were turning black and the vascular system of the plants were cracking and decaying. The complainant alleged that the dust was drifted from herbicide applications in "Phillips 66 Pipeline Station" causing the lettuce to die out.

Phillips 66 had hired Eynon Management, located at Bakersfield, a licensed but unregistered pest control business with SB CAC, to control weeds around their border fencing and yard. Eynon Management applied herbicides on May 11, between 7:45 am to 11:45 am, to control weeds around Phillips-66 border fencing and yard. The tank mix contained Alligare SFM 75 (EPA Reg # 81927-26-AA), Alligare Glyphosate 4 (EPA Reg# 81927-34-AA), and Alligare Tebuthiuron 80 WG (EPA Reg# 81927-37-AA). The application was made from a truck with 500 gallon mounted tank with a handheld sprayer at 120 psi. The applicator made spot treatment of the herbicide mix to weeds along the fence line and left the site after the application at 11:45 am.

[REDACTED] hired Crop Production Services, CPS, a pest control business registered with SB CAC, to apply pesticide applications but did not apply any of the active ingredients used by Eynon, during April 15 to May 20, 2017. In addition, there had been no herbicide applications to the surrounding sites within a 1/4 mile of [REDACTED] affected area weeks before the observed damage to the lettuce.

On June 2nd, 20th and July 25th, 2017, SB CAC staff collected several foliage and soil samples (total 10 samples) from the treated area and the damaged lettuce field and were analyzed by California Department of Food and Agriculture, Center for Analytical Chemistry. The lab results indicated the presence of Sulfometuron Methyl and Tebuthiuron on the weeds, soil and lettuce samples. The detected chemicals on lettuce samples were consistent with chemicals used by Eynon management. No other reports of tebuthiuron or sulfometuron methyl use were reported within 1/4 mile of the Phillips 66-[REDACTED] area.

The presence of Tebuthiuron and Sulfometuron Methyl on the [REDACTED] lettuce samples and the pattern of damage appeared after the irrigation to the lettuce crop indicated the Eynon Management application was the source of the damage to the lettuce of [REDACTED]. This conclude the investigation.

PRIORITY EPISODE NUMBER 39-SB-17	NOTIFICATION DATE 6/2/2017	DATE OF OCCURRENCE 5/22/2017
--	--------------------------------------	--

SUMMARY OF FINDINGS, CONTINUED (Continue on supplemental form DPR-ENF-116, if necessary):

ADMINISTRATIVE CIVIL PENALTY DETAILS (See CA Pesticide Priority Episode Handling Manual):

The SB CAC issued a notice of proposed action (9-ACP-SB-17/18) to Eynon Management for the following violations:

- 1- Failure to register with SB CAC' office before they conduct business in SB County, FAC 11732
- 2- Failure to prevent damage to non-target crops, 3CCR 6614(b)(2).

OTHER ENFORCEMENT ACTION:

- ☐ COMPLIANCE ACTION: _____
- ☐ REFERRAL: _____
- ☐ PENDING: _____

INVESTIGATION CONSIDERATIONS / IMPACTS / EFFECTS:

PUBLIC HEALTH	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
GROUND WATER	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
WORKER HEALTH AND SAFETY	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
ENDANGERED SPECIES	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
PRODUCT REGISTRATION	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
CANCELLED / SUSPENDED PESTICIDE	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A

AGENCY NOTIFICATION

U.S. EPA: Ms. Fabiola Estrada

CAC: **Ms. Cathleen Fisher**

DIR: Ms. Amalia Neidhardt

CDPH: Dr. Justine Weinberg

OEHHA: Dr. William Ngai, Dr. James Nakashima

CalEPA:


OTHER:

OTHER:

DATE SENT: **2/13/19**

DPR ROUTING:

Benson, Cuevas, Downing, Everett, Fadipe, Ford, Guerra, Hughes, James, Lopez, Marade, Marciano, McCarthy, Motakef, Naef, Ogawa, Oriel, Perez, Richmond, Sarracino, Solari, Verder-Carlos

REPORT PREPARED BY Ahmed Elhawary	TELEPHONE NUMBER (Include Area Code) (714)279 7683	DATE 2/13/2019
DPR R.O. MANAGER'S SIGNATURE 	TELEPHONE NUMBER (Include Area Code) (714)279 7011	DATE 2/13/2019